

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

THE ESTATE OF LALIAH SWAYZER, *et al.*,

Plaintiffs,

v.

Case No. 2:16-cv-01703-PP-WED

DAVID J. CLARKE, JR., *et al.*,

Defendants.

JOINDER

Defendant Wisconsin Health Care Liability Insurance Plan (“WHCLIP”), by and through its counsel, Godfrey & Kahn, S.C., hereby joins and adopts the summary judgment motions filed by its Insureds, Defendant Dr. Karen Ronquillo-Horton [Dkts. 342-345] and Defendant Dr. Gina Negrette [Dkts. 336-338], and states as follows:

1. WHCLIP issued policies of insurance to Dr. Ronquillo-Horton and Dr. Negrette that were in effect during the time period relevant to this action. WHCLIP issued policy number 4336-00-020780 to Dr. Ronquillo-Horton, effective from December 16, 2015 to December 16, 2016, subject to all applicable terms and conditions set forth therein. WHCLIP issued policy number 4337-00-020881 to Dr. Negrette, effective from April 19, 2016 to April 19, 2017, subject to all applicable terms and conditions set forth therein.

2. WHCLIP is named as a defendant in this action solely in its capacity as Dr. Ronquillo-Horton’s and Dr. Negrette’s insurer, pursuant to Wisconsin’s Direct Action Statutes, Wis. Stat. §§ 632.24, 803.04(2).

3. Plaintiffs have not alleged any claims of wrongdoing against WHCLIP.

4. Accordingly, if Plaintiffs' claims against Dr. Ronquillo-Horton and/or Dr. Negrette are dismissed on summary judgment, Plaintiffs' derivative claims against WHCLIP must be dismissed.¹

WHEREFORE, upon review of the parties' respective summary judgment pleadings, Defendant WHCLIP hereby joins, adopts, and incorporates by reference the summary judgment motions filed by its insureds, Dr. Ronquillo-Horton and Dr. Negrette, including all supporting evidence, arguments, and authorities. WHCLIP further states that its Joinder has no impact on the Court's scheduling order or the summary judgment briefing schedule.

Dated this 23rd day of August, 2019.

GODFREY & KAHN, S.C.

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¹ WHCLIP previously joined defendants' motion for summary judgment on causation. [Dkts. 300-302].